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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : ATTN. PATENT PUBLICATIONS
Heinung BOETTCHER et al. : Examiner: Richard L. Raymond
Serial No.: 10/031,367 : Group Art Unit: 1624
Filed: June 3, 2002 : Allowed: November 18, 2003
For: N-(INDOLCARBONYL-)PIPERAZINE DERIVATIVES

REQUEST FOR COMPLETE NOTICE OF ALLOWANCE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Attached is a copy of Applicants' Information Disclosure Statement and Form PTO-1449 filed December 11, 2003, and a copy of Applicants' Letter and 1449 filed December 8, 2003, copies of which have not yet been returned to applicants with the examiner's initials indicating the references cited therein were considered during the prosecution of the above-identified application. It is respectfully requested that an examiner initialed copy of Form PTO-1449 be returned to applicants.

Respectfully submitted,

James E. Ruland (37,432)
Attorney for Applicants
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Blvd., Suite 1400
Arlington, VA 22201
Direct Dial: (703) 812-5338
Fax: (703) 243-6410
Internet address: ruland@mwzb.com

JER:ack

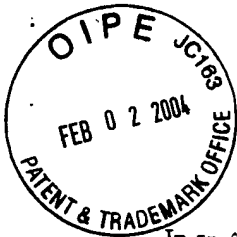
Faxed: February 2, 2004

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MERCK 2370

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING
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OFFICE ON THE DATE SHOWN BELOW
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION

A. E. KENNEY
SIGNATURE A. E. KENNEY DATE 2-2-04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Henning BOETTCHER et al.

Confirmation No.: 8082

Serial No.: 10/031,367

Examiner: Richard L. Raymond

Filed: June 3, 2002

Group Art Unit: 1624

Title: N-(INDOLCARBONYL)-PIPERAZINE DERIVATIVES

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

TIMING AND FEES

- ☐ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☐ before the mailing of a first substantive office action (including after filing of an RCE)
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. § 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
 - ☐ a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(c) set out below; OR

☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p)

☒ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:

☐ a final action under 37 C.F.R. § 1.113;

☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR

☒ a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

☒ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

STATEMENTS UNDER 37 C.F.R. 1.97(e)

☒ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

CITED MATERIALS

☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).

☐ Copies of materials listed but not attached were cited in an international search report dated _____

☒ Copies of the materials listed are attached (except for the foregoing).

NON-ENGLISH LANGUAGE REFERENCES

☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

☒ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

- X = document of particular relevance when it is taken alone
Y = document of particular relevance when it is combined with another such document
A = document defining the general state of the art
O = non-written disclosure
P = intercalated document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
L = cited for another reason
& = publication of member of same patent family

☐ Translation of other relevant information on foreign search report

OTHER INFORMATION

Cite No. A1 (U.S. Patent No. 6,218,394) is the English equivalent of Cite No. B2 (HUP9603371). The front page of WO 95/33721 is also enclosed, which is the publication of the PCT/DK 95/00230 application eventually issuing as the 6,218,394 patent.

PAYMENT OF FEES DUE (IF ANY):

- ☒ A check for \$180.00 covering the fee identified above is attached.
☐ Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.
☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account No. 13-3402, two copies of this paper are attached for this purpose.

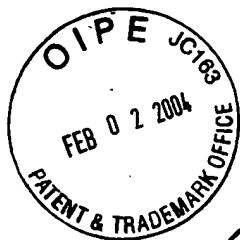
Respectfully submitted,

James E. Kuland, Reg. No. 37,432
Attorney for Applicants

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Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2370

Date: December 11, 2003



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PTO/SB/05A (03-00)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number 10/031,367
Filing Date June 3, 2002
First Named Inventor Henning BOETTCHER et al.
Group A/I Unit 1824
Examiner Name Richard L. Raymond
Attorney Docket Number MERCK-2370

U.S. PATENT DOCUMENTS

| Examiner Initials * | Cite No. ¹ | U.S. Patent Documents | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
|---------------------|-----------------------|-----------------------|-----------------------|---|--|
| | | Number | Kind Code* (if known) | | |
| | A1 | 6,218,394 | B1 | Perregaard et al. | 04-17-2001 |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Foreign Patent Documents | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T * |
|---------------------|-----------------------|--------------------------|----------|-----------------------|---|--|---|-----|
| | | Office* | Number* | Kind Code* (if known) | | | | |
| | B1 | HU | P9603371 | A1 | Lundbeck | 09-29-1997 | | |
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NON PATENT LITERATURE DOCUMENTS

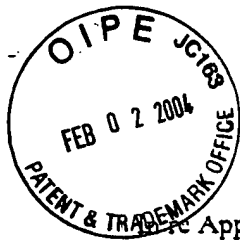
| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country, where published. | T * |
|---------------------|-----------------------|--|-----|
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Examiner Signature

Date Considered

* EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Henning BOETTCHER et al.

Confirmation No.: 8082

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Examiner: Richard L. Raymond

Filed: June 3, 2002

Group Art Unit: 1624

Title: N-(INDOLCARBONYL-)PIPERAZINE DERIVATIVES

L E T T E R

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the Examiner initial the enclosed PTO-1449, acknowledging that the references cited in the search report were considered because they were forwarded by the international search report as acknowledged received in the 371 acceptance letter mailed July 12, 2002.

Respectfully submitted,

James E. Ruland, Reg. No. 37,432
Attorney for Applicants

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Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2370Date: December 8, 2003

JER:am K:merck12/10/03 letter to PTO.doc



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PTO/SB/08A (08-00)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 1

Complete if Known

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 Examiner Name Richard L. Raymond
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| Examiner Initials * | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
|------------------------|-----------------------|----------------------|--------------------------------------|--|---|
| | | Number | Kind Code ² (if known) | | |
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FOREIGN PATENT DOCUMENTS

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|------------------------|-----------------------|-------------------------|---------|--------------------------------------|--|--|--|----------------|
| | | Office ⁴ | Number | Kind Code ² (if known) | | | | |
| | B1 | WO | 9911641 | A1 | Merck Sharp & | 03-11-1999 | | |
| | B2 | EP | 0320983 | B1 | Merrell Dow Pharma. | 06-28-1995 | | |
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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ³ |
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| Examiner Signature | Date Considered |
|-----------------------|--------------------|

EXAMINER Initial: if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 18 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.